

M. Kramer

1 then somehow gets men, if you can explain  
2 that to me?

3 A. No, he is affiliated with a  
4 company. You're dealing with a person who  
5 his company either installs dry wall or  
6 finishes dry wall.

7 Q. Do you supply tools to his men?

8 A. No.

9 Q. When RMK supplied tools to its  
10 men, if that person was no longer going to  
11 work for RMK, did you ask for the tools  
12 back?

13 A. We asked generally. Sometimes we  
14 get some of them back.

15 Q. Did RMK have any tools, any of  
16 these tools that you've described, at the  
17 time that it stopped operating in its  
18 possession?

19 A. Yes.

20 Q. And what became of those tools?

21 A. I'm sure they were used again.

22 Q. By whom?

23 A. By myself, my partner, given out  
24 to other people.

M. Kramer

1 Q. Did RMK have any trucks or cars?  
2 A. Yes.  
3 Q. Did it have any trucks?  
4 A. Yes.  
5 Q. What kind of trucks did it have?  
6 A. A Ford van. I believe, it was a  
7 1989.  
8 Q. Okay.  
9 A. And two pickup trucks. I'm not  
10 sure of the years at that time.  
11 Q. Were those trucks owned by RMK?  
12 A. Yes.  
13 Q. And were they owned by RMK at the  
14 time that RMK ceased operations?  
15 A. Yes.  
16 Q. What's become of those vehicles?  
17 A. The Ford van still exists. The  
18 pickup trucks, there were two pickup  
19 trucks. They are long gone.  
20 Q. The Ford van, you said it still  
21 exists?  
22 A. Yes.  
23 Q. Who owns it today?  
24 A. RM King Construction.

M. Kramer

1 Q. Who is RM King Construction?

2 A. It's a company I'm involved in.

3 Q. Anybody else involved in it?

4 A. Yes.

5 Q. Who else?

6 A. Robert Rickabaugh.

7 Q. Where is that company located?

8 MS. WALL: I'm going to object to  
9 any questions about RM King  
10 Construction.

11 MR. ROSENTHAL: Your objection is  
12 noted. Are you telling him not to  
13 answer?

14 MS. WALL: Yeah, don't answer.

15 MR. ROSENTHAL: What's the basis  
16 for not answering?

17 MS. WALL: This is an asset  
18 deposition for RMK Construction, not RM  
19 King Construction.

20 MR. ROSENTHAL: And in an asset  
21 deposition I'm searching for information  
22 relating to assets of RMK that may have  
23 been transferred. If you are directing  
24 him not to answer --

M. Kramer

1 MS. WALL: You can ask if there  
2 are assets.

3 MR. ROSENTHAL: -- in this  
4 district, the only basis for directing a  
5 witness not to answer a question is that  
6 it's work product or that it's  
7 privileged.

8 MS. WALL: You can give me a  
9 lecture, if you want. You can do a  
10 motion, if you want. But I'm telling  
11 him not to answer.

12 MR. ROSENTHAL: We'll call the  
13 judge.

14 MS. WALL: Go right ahead. But  
15 if you want to ask him about assets that  
16 were transferred from RMK to RM King  
17 Construction, that's fine.

18 MR. ROSENTHAL: I'll reserve  
19 that. We still may call the judge, but  
20 we'll go on for now.

21 MS. WALL: Sure.

22 BY MR. ROSENTHAL:

23 Q. Did RM King Construction pay RMK  
24 for the Ford van?

M. Kramer

1 A. No.

2 Q. RM King still owns that Ford van  
3 today?

4 A. Yes.

5 Q. Has the title been transferred?

6 A. Yes.

7 Q. But nothing was paid for it?

8 A. Well, to correct myself, I  
9 believe, we had to put down one dollar.

10 Q. Was anything paid?

11 A. Okay. I believe, one dollar.

12 Q. How much is the van worth?

13 A. I don't know. An '89 Ford van, I  
14 would just be guessing.

15 MS. WALL: Don't guess.

16 BY MR. ROSENTHAL:

17 Q. The two pickup trucks, were they  
18 in operation at the time that RMK ceased  
19 operations?

20 A. Yes.

21 Q. What became of them? At the  
22 point in time when RMK ceased operations  
23 what became of the pickup trucks?

24 A. I'm not sure.

M. Kramer

1 Q. Let me make it simple.

2 A. Okay.

3 Q. Did they get transferred to RM  
4 King?

5 A. Yes. But I don't know if there  
6 was a title to them at that time or if we  
7 just took over loans.

8 Q. Who were the loans with?

9 A. I'm not sure.

10 Q. Would you have documents relating  
11 to the loans?

12 A. I would think so, yes.

13 Q. Would you have the titles to the  
14 vehicles?

15 A. No.

16 Q. What's become of the vehicles  
17 since?

18 A. One pickup truck, I believe, was  
19 sold outright or traded in. And one pickup  
20 -- I'm not sure. They were probably  
21 both --

22 MS. WALL: If you don't know,  
23 answer the question to the best of your  
24 knowledge. I don't want you guessing.

M. Kramer

1                   THE WITNESS: I'm not sure if  
2       they were just traded in or -- that  
3       would be my best -- if I'm not guessing,  
4       I'm not sure.

5 BY MR. ROSENTHAL:

6 Q.               What would you need to review in  
7 order to be sure?

8 A.               A document from the trucks that  
9 replaced them to see if there was a  
10 trade-in would be one place I could look.

11 Q.               So there were trucks that  
12 replaced these pickup trucks?

13 A.               Yes.

14 Q.               And who would have the documents  
15 relating to the trucks that replaced them?

16 A.               I should have them.

17 Q.               "You" personally or "you" RM  
18 King?

19 A.               Well, RM King has bought the  
20 trucks, so RM King would have documents on  
21 those trucks.

22 Q.               I would like all of the documents  
23 relating to the trucks that RM King has.

24                   Going back to the tools. When

M. Kramer

1 you said some of them you would have used,  
2 are any of those tools used by RM King the  
3 tools that had been RMK's?

4 A. Possibly the scaffolds.

5 Q. So the scaffolds went from RMK to  
6 RM King?

7 A. Yes.

8 Q. Did RM King pay RMK for the  
9 scaffolds?

10 A. No.

11 Q. How about the other handtools  
12 that you were talking about, the Hilti's,  
13 did any of those go to RM King?

14 A. Not likely.

15 Q. When did RM King come into  
16 existence or commence operations?

17 A. I would have to look.

18 Q. Was it in operation before RMK  
19 ceased operations?

20 A. I believe, it was.

21 Q. It was conducting business before  
22 RMK ceased operations?

23 A. Yes, sir.

24 Q. When RMK ceased operations, did

M. Kramer

1 today any other documents?

2 A. I have some purchase orders or  
3 contracts that Maria Fonte was able to find  
4 for RMK Construction. I was pretty sure  
5 that was on the list.

6 MS. WALL: It was number 14.

7 THE WITNESS: 14, purchase  
8 orders, contracts. I have a couple  
9 contracts.

10 BY MR. ROSENTHAL:

11 Q. Does RM King do the same kind of  
12 work as RMK Construction?

13 A. No. We do similar types of work,  
14 but we do more now of actually carpentry  
15 work, framing and finished carpentry, more  
16 carpentry oriented.

17 Q. Does RM King work in  
18 Pennsylvania?

19 MS. WALL: I'm going to object.  
20 Don't answer that.

21 MR. ROSENTHAL: What's the basis  
22 for the objection?

23 MS. WALL: This is an asset  
24 deposition for RMK Construction.

M. Kramer

1 Construction Company.

2 BY MR. ROSENTHAL:

3 Q. Isn't it true that RM King is  
4 located at the same address and works out  
5 of the same property as RMK?

6 MS. WALL: Don't answer that.

7 BY MR. ROSENTHAL:

8 Q. Isn't it true that you're an  
9 officer of RM King?

10 MS. WALL: He has already  
11 answered that.

12 BY MR. ROSENTHAL:

13 Q. Is Mr. Rickabaugh an officer of  
14 RM King?

15 MS. WALL: He has already  
16 answered that as well. He said the  
17 officers were himself and  
18 Mr. Rickabaugh.

19 BY MR. ROSENTHAL:

20 Q. Does Miss Fonte work for RM King?

21 MS. WALL: I'm going to object.

22 Don't answer that.

23 BY MR. ROSENTHAL:

24 Q. Who are the shareholders of RM